



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/934,738

08/22/2001

Ingo Molnar

019322-000340

9016

24239 7590 11/01/2007
MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT

PAPER NUMBER

2145

MAIL DATE

DELIVERY MODE

11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/934,738

Applicant(s)

MOLNAR, INGO

Examiner

Azizul Choudhury

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

This office action is in response to the correspondence received on August 24, 2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Challenger et al (US Pat No: 6,256,712), hereafter referred to as Challenger.

1. With regards to claims 1, 5, 9 and 11, Challenger teaches in a communication server, a method of responding to a client application, the method comprising the steps of: a cache disposed in an operating system kernel (*Challenger's design uses computer and all current computers inherently require an operating system and all current operating systems inherently require a kernel; see column 5, lines 41-67, Challenger*); receiving from the client application an application protocol request (*A webpage is a response to a request because a webpage must be requested by a client*) corresponding to a response that can be displayed as a combination of a portion of the response that changes and a part of the response

that is static (*Challenger's design allows the webpage (equivalent to the claimed response to request) to contain cached (equivalent to the claimed static) information; see column 2, line 56 – column 3, line 5 and column 13, lines 57-62, Challenger*); creating at the server the portion of the response that changes (*Challenger's design allows the webpage (equivalent to the claimed response to request) to contain newly refreshed content (equivalent to the claimed dynamic portions); see column 2, lines 55-66 and column 13, line 65 – column 14, line 8, Challenger*); sending the portion of the response that changes to the client application (*column 28, lines 46-58, Challenger*); retrieving the part of the response that is static from a cache disposed in an operating system kernel (*column 13, line 57 – column 14, line 22, Challenger*); and sending the part of the response that is static to the client application (*column 28, lines 46-58, Challenger*). *Challenger discloses a design enabling the updating content within a server so that updated content is submitted to the client. The design allows for current copies of both dynamic and static data (objects) to be cached within the server (column 2, lines 5-8, Challenger). The cached data (objects) is consistently updated (column 2, lines 54-55, Challenger). When required, the data (objects) are dynamically rebuilt and provide the client with updated content (column 2, line 53 – column 3, line 34, Challenger). Finally, the use of a cache/buffer/registry within an operating system of a computer is inherent).*

2. With regards to claims 2, 6, 10, 13 and 14, Challenger teaches the method wherein the cache disposed within the operating system kernel is a protocol object cache (Challenger's design allows for caches (*column 2, lines 5-8, Challenger*) (*column 5, lines 51-52, Challenger*)).
3. With regards to claims 3, 4, 7, 8 and 12, Challenger teaches the method wherein the application protocol request and the reply are formatted according to a hypertext transmission protocol (HTTP) (*Challenger's design allows for HTTPD (Figure 30A, Challenger). Hence, HTTP is supported*)).

Remarks

The amendment received on August 24, 2007 has been carefully examined but is not deemed fully persuasive. The following are the examiner's response to the applicant's contentions.

The first point of contention involves the 112-type rejection. In lieu of the claim amendments, the 112-type rejection has been withdrawn.

The second point of contention involves the 102-type rejection. The applicant contends that the prior arts do not teach all the claim limitations, one of which is, "response that can be displayed as a combination of a portion of the response that changes and a part of the response that is static." The Challenger art teaches the updating of website content when the cached content is no longer valid (see column 2, lines 55-66 and column 13, line 65 – column 14, line 8, Challenger). This is equivalent

to the claimed, "response that changes." The Challenger art also teaches that websites can contain static content (see column 2, line 56 – column 3, line 5 and column 13, lines 57-62, Challenger). This is equivalent to the claimed, "response that is static." The updated website data is held within various software objects. The fact that a website is updated inherently means that the updated data can be viewed (column 2, line 51 – column 3, line 34, Challenger). Plus the updates are made possible through the various objects used in the design (column 9, line 60 – column 10, line 47, Challenger).

As per the final point of contention, the applicant contends that the Challenger art fails to teach every element because it does not literally cite the use of a kernel. The examiner disagrees with this assertion. Challenger's design uses computer and all current computers inherently require an operating system and all current operating systems inherently require a kernel; see column 5, lines 41-67, Challenger. If the applicant disagrees, they are welcome to provide evidence to the contrary.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2145


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


JASON CARDONE
SUPERVISORY PATENT EXAMINER